

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION**

In Re:	*	Case No.: 15-12019
	*	Chapter 13
Joscel Quinto	*	
Chona Quinto,	*	
	*	
Debtors.	*	
	*	

**RESPONSE AND OPPOSITION TO TRUSTEE'S OBJECTION TO DEBTORS' CLAIM
OF EXEMPTIONS**

Joscel Quinto and Chona Quinto, Debtors, by and through undersigned counsel, William F. Steinwedel of the Maryland Legal Aid Bureau, hereby file this Response and Opposition to the Trustee's Objection to Debtor's Claim of Exemptions, and in support thereof state as follows:

1. The Debtors filed this Chapter 13 Bankruptcy case on February 13, 2015.
2. As part of the original petition in this bankruptcy case, the Debtors filed a Schedule C which claimed a homestead exemption of \$45,950.00 on the property located at 9517 Greenel Road, Damascus, Maryland 20872 under MD. CTS. AND JUD. PROC. § 11-504(f)(1)(i)(2), or \$22,975.00 for each debtor.
3. On April 2, 2015, the Trustee filed an Objection to Debtors' Claim of Exemptions stating that the Debtors exceeded their allowable exemptions under MD. CTS. AND JUD. PROC. § 11-504(f)(1)(i)(2) by \$22,975.00.
4. While the Debtors concede that Maryland law under MD. CTS. AND JUD. PROC. § 11-504(f)(3) prohibits both spouses from claiming this exemption in the same bankruptcy case, this provision conflicts with the protections provided by 11 U.S.C. § 522(m), which states that each Debtor should be able to take all exemptions available to them in full in a joint bankruptcy case. When state law exemption provisions conflict with federal exemption provisions, the

federal courts have stated previously that Debtors are permitted to take all exemptions available to them in full, state law limits notwithstanding. *See Cheeseman v. Nachman*, 656 F.2d 60 (4th Cir. 1981). Therefore, each Debtor in this case should be allowed to take the full Maryland homestead exemption provided by MD. CTS. AND JUD. PROC. § 11-504(f)(1)(i)(2) of \$22,975.00.

WHEREFORE, the Debtors would therefore request that the Trustee's Objection to the Debtor's Claim of Exemptions be denied and that the exemptions claimed by the Debtors in their petition on the property located at 9517 Greenel Road, Damascus, Maryland 20872 should be allowed in full.

/s/William F. Steinwedel
William F. Steinwedel
500 E. Lexington Street
Baltimore, Maryland 21202
Attorney for Debtors

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of May, 2015, a copy of the Response and Opposition to the Trustee's Objection to Debtors Claim of Exemptions has been served upon the following parties via CM/ECF and/or electronic mail:

Nancy Spencer Grisgby
4201 Mitchellville Road
Suite 401
Bowie, Maryland 20716
Chapter 13 Trustee

Joscel and Chona Quinto
9517 Greenel Road
Damascus, Maryland 20872
Debtors

/s/ William F. Steinwedel
William F. Steinwedel